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10/540,735	02/28/2006	Yehuda Turgeman	06727/0203074-US0	9109
7278	7590	10/17/2007	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			LAFORGIA, CHRISTIAN A	
		ART UNIT	PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.	10/540,735	Applicant(s)	TURGEMAN ET AL.
Examiner	Christian La Forgia	Art Unit	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 08 August 2007.  
2a) This action is **FINAL**.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1,2 and 4-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1,2 and 4-20 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 24 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The amendment of 08 August 2007 has been noted and made of record.
2. Claims 1, 2, and 4-20 have been presented for examination.
3. Claims 3 and 21-186 have been cancelled as per Applicant's request.

### ***Response to Arguments***

4. Applicant's arguments regarding the prior art rejections filed 8 August 2007 have been fully considered but they are not persuasive.
5. In response to the Applicant's allegation that Bandini does not teach the use of templates, the Examiner refers to MPEP § 2131, in particular the discussion of *ipsissimis verbis*. *Ipsissimis verbis* states that the elements of the invention must be arranged as required by the claim regardless of the identity of terminology. In other words, the fact that Bandini does not use the same terminology as the Applicant, yet teaches the elements of the claim language is not enough to distinguish the instant application over the prior art.
6. The Examiner disagrees with the Applicant's arguments with regards to the amendments made to the claims, specifically the replacement of "variable criterion" with "stored parameter template." The Applicant states that support for the stored parameter templates can be found at page 17, lines 14-21. Upon review of the cited section, the Examiner finds that the template is defined as:

...specific characters and/or words and/or character sequences at specific fixed or relative locations in the message body, e mail attributes in the body of the message, telephone attributes in the body of the message, verbs in the body of the message, and any other message attributes or part of a message attribute.

Bandini first discloses the use of records stored in a database, which are compared against incoming e-mails to determine whether the new e-mail is SPAM (paragraph 0024). Furthermore,

Bandini goes on to discuss comparing the body of an incoming message to records stored in the SPAM database (paragraph 0030). Bandini teaches that the incoming e-mail is searched for complete sentences and paragraphs that are commonly found in SPAM messages. The stored records that are used to scan incoming e-mail messages are drawn to the Applicant's claimed stored parameter template. This is further supported by **Merriam-Webster's Collegiate Dictionary**'s definition of template, which states

something that establishes or serves as a pattern.

7. Since Bandini teaches comparing incoming e-mail messages to stored records, which are drawn to the Applicant's claimed templates, the rejection of claims 1, 2 and 4-20 is maintained.
8. See further rejections that follow below.

*Claim Rejections - 35 USC § 102*

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
10. Claims 1, 2, and 4-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0199095 to Bandini et al., hereinafter Bandini.
11. As per claim 1, Bandini teaches a method for combating spam comprising:  
classifying a message at least partially by evaluating at least one message parameter, using at least one stored parameter template, thereby providing a spam classification (Figure 2 [blocks 54, 56], paragraphs 0021, 0024, 0030, i.e. compare the received e-mail to the SPAM database and classify as SPAM, clean or borderline); and  
handling said message based on said spam classification (Figure 2 [blocks 58,59, 60], paragraph 0021).

12. Regarding claim 2, Bandini teaches wherein said at least one stored parameter template comprises a parameter template which changes over time (paragraphs 0026, 0039, i.e. attribute is the message which changes with each transmission, attribute is time of transmission).

13. Regarding claim 4, Bandini teaches wherein said classifying comprises:  
said using at least one stored parameter template at comprising using said at least one stored parameter template at at least one gateway (Figure 1 [blocks 36, 46], paragraph 0026, i.e. e-mail relay performs one or more evaluation steps); and  
said providing spam a classification comprising providing said spam classification at least one server, said at least one server receiving evaluation outputs from said at least one gateway and providing said spam classification to said at least one gateway (Figure 1 [blocks 35, 40], paragraph 0012).

14. With regards to claim 5, Bandini teaches wherein said classifying also comprises:  
encrypting at least part of said evaluation outputs by employing a non-reversible encryption so as to generate encrypted information (paragraph 0030, i.e. hash); and  
transmitting at least said encrypted information to said at least one server (paragraph 0030).

15. Concerning claim 6, Bandini teaches wherein said transmitting comprises transmitting information of a length limited to a predefined threshold (paragraph 0030).

16. Regarding claim 7, Bandini teaches wherein said handling comprises at least one of: forwarding said message to an addressee of said message (Figure 2 [block 58]); storing said message in a predefined storage area (Figure 2 [blocks 59, 60]); rejecting said message (Figure 2 [block 60]); and delaying said message for a period of time and thereafter re-classifying said message (Figure 2 [block 59]).

17. Regarding claim 8, Bandini teaches wherein said message comprises an e-mail (paragraphs 0002, 0004).

18. Regarding claim 9, Bandini teaches wherein said classifying also comprises at least one of: analyzing a match among network references in said message (paragraph 0027, i.e. sender fields); sending information to a server and receiving classification data based on said information (paragraphs 0012, 0040); employing classification data received from a server (paragraphs 0012, 0040); and employing stored classification data (paragraph 0027, i.e. index in database).

19. As per claim 10, Bandini teaches a method for combating spam comprising: classifying messages at least partially by evaluating at least one message parameter of multiple messages, by employing at least one stored parameter template which changes over time, thereby providing spam classifications (Figure 2 [blocks 54, 56], paragraphs 0021, 0026,

0039, i.e. compare the received e-mail to the SPAM database and classify as SPAM, clean or borderline); and

handling said messages based on said spam classifications (Figure 2 [blocks 58,59, 60], paragraph 0021).

20. Regarding claim 11, Bandini teaches wherein said classifying is at least partially responsive to similarities between plural messages among said multiple messages, which similarities are reflected in said at least one message parameter (paragraphs 0026-0032, i.e. storing an index of sender fields of records in the database and comparing the sender of the message to aforementioned index).

21. Regarding claim 12, Bandini teaches wherein said classifying is at least partially responsive to similarities between plural messages among said multiple messages, which similarities are reflected in outputs of applying said at least one stored parameter template to said at least one message parameter (paragraphs 0026-0032).

22. Regarding claim 13, Bandini teaches wherein said classifying is at least partially responsive to similarities in multiple outputs of applying a single stored parameter template to said at least one message parameter in multiple messages (Figure 4, paragraphs 0035-0039).

23. Regarding claim 14, Bandini teaches wherein said classifying is at least partially responsive to the extent of similarities between plural messages among said multiple messages

which similarities are reflected in said at least one message parameter (paragraphs 0026-0032, 0035-0039).

24. Regarding claim 15, Bandini teaches wherein said classifying is at least partially responsive to the extent of similarities between plural messages among said multiple messages which similarities are reflected in outputs of applying said at least one stored parameter template to said at least one message parameter (paragraphs 0026-0032).

25. Regarding claim 16, Bandini teaches wherein said classifying is at least partially responsive to the extent of similarities in multiple outputs of applying a single stored parameter template to said at least one message parameter in multiple messages (paragraphs 0026-0032).

26. With regards to claim 17, Bandini teaches wherein said extent of similarities comprises a count of messages among said multiple messages which are similar (paragraphs 0035-0039).

27. Regarding claim 18, Bandini teaches wherein said classifying is at least partially responsive to similarities in outputs of applying stored parameter templates to said at least one message parameter in multiple messages, wherein a plurality of different stored parameter templates are individually applied to said at least one message parameter in said multiple messages, yielding a corresponding plurality of outputs indicating a corresponding plurality of similarities among said multiple messages (paragraphs 0026-0032, 0035-0039).

28. With regards to claim 19, Bandini teaches wherein said classifying also comprises aggregating individual similarities among said plurality of similarities (paragraphs 0026-0032).

29. Concerning claim 20, Bandini teaches wherein said aggregating individual similarities among said plurality of similarities comprises applying weights to said individual similarities (Figure 4, paragraph 0037).

*Conclusion*

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

31. The following patents are cited to further show the state of the art with respect to detecting SPAM, such as:

United States Patent Application Publication No. 2005/0198160 A1 to Shannon, which is cited to show detecting SPAM using a template (paragraphs 104, 420).

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

33. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
Art Unit 2131

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